<u>REMARKS</u>

Claims 1-3, 5, 6, 15, and 16 remain pending in this application for which applicants seek reconsideration.

<u>Amendment</u>

Independent claims 1, 15, and 16 have been amended to more clearly set forth the claimed invention. See Figs. 4A-4B for support. No new matter has been introduced.

<u>Art Rejection</u>

Claims 1-3, 6, 15, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Misawa (USP 6,771,382) in view of Kim (USP 6,268,937). Claim 5 was rejected under § 103(a) as unpatentable over Misawa in view of Kim and Morigami (USP 6,057,934).

Independent claim 1 (claims 15 and 16 paralleling claim 1) now calls for (1) a processor configured to convert input image data with white data added thereto or without white data added thereto (white data changing the size of the image to a standardized size according to facsimile standards), (2) a first producer configured to produce data for transmission by facsimile based on the input image data, (3) a second producer configured to produce data for transmission by electronic mail based on the input image data, (4) a selector configured to select a facsimile transmission or an electronic mail transmission based on an instruction by a user, and (5) a controller configured to control the first and second producers, and the processor depending on the selection by said selector, when the image represented by the image data is smaller than the predetermined size and is not in the standardized size. In this respect, the controller controls the processor to convert the input image data with the white data added and the first producer to produce data based on the image data to which the white data is added when selector selects the facsimile transmission. The controller controls the processor to convert the input image data with no white data added and the second producer to produce data based on the image data to which no white data is added by said processor when the selector selects the email transmission.

As claimed, when the user instructs through the selector to select the facsimile transmission or email transmission, the controller controls the first or second producer and the processor to convert the input image data, either with white data added or without white data added. See the feature (5) above.

Misawa discloses a communication apparatus having both the fax transmission unit 14 and the email transmission unit 17. Its CPU 11 compares the size of image data to be

transmitted with a previously set reference value. When the image data size exceeds the reference value, the image data is transmitted via the fax transmission unit, while when the image data size does not exceed the reference value, the image data is transmitted via the email transmission unit 15. See C5:L16-26, the paragraph spanning C5-6, and C6:L13-29. Misawa automatically selects either the fax transmission unit or the email transmission unit exclusively based on the image data size.

Referring to Fig. 6, Misawa also discloses that the user can bypass the transmission auto-selection (in the instance where a fax is automatically selected, the user can select email transmission instead, and vice-versa). See C6:L65-67. As is clearly evident, however, Misawa does not disclose or teach converting the input image data with or without white data added, depending on whether the fax transmission or email transmission is selected. In this respect, Misawa clearly would not have taught at least features (1) and (5).

The examiner relied upon Kim for the proposition that adding white data exclusively for a fax transmission would have been obvious. In response to applicants' arguments raised in the Appeal Brief, in the Examiner's Answer, the examiner argued that (A) applying Kim's teachings in Misawa would not defeat the purpose of selecting image based on the image size (e.g., data size) because the selection is based on the data size rather than an image size (e.g., two-dimensional), which is deemed independent of the selection process, and (B) Kim's teachings only apply to the facsimile transmission and not email transmission.

First, even if the combination urged by the examiner were deemed proper and the examiner's assertions (A) and (B) above were taken to be true for argument's sake, the combination still would not have disclosed or taught features (1) and (5) above, namely a controller that controls the first or second producer and the processor to convert the input image data either with or without white data added when the user instructs through the selector to select either the facsimile transmission or the email transmission. That is, the combination would not have taught selecting with the selector (Misawa, Fig. 6, S57 or S77) to an email transmission or a fax transmission changes the manner in which the processor processes data. Note that Misawa fails to disclose converting the image data depending on whether a fax transmission or an email transmission is selected.

Second, the examiner relied upon Kim for the teaching of adding white data to an image to bring the document to fit a standard or non-standard paper size for a fax transmission. See C5:L31-37. In this respect, Kim calls for sensing the paper size of the documents to be transmitted and automatically selecting the paper size during the reading (scanning) of the

image. That is, Kim's scanner corresponds to the claimed inputter. Thus, Kim would have taught adding white data all images (not fitting a standard size or is non-standard size) that have been scanned regardless of how the scanned data is transmitted. Accordingly, Kim still would not have alleviated Misawa's shortcomings, namely missing features (1) and (5).

Applicants submit that independent claims 15 and 16 similarly define over the applied references.

Request for Interview

Applicants seek an interview in due course, before the examiner issues a next Office Action. The undersigned will contact the examiner to schedule an interview in due course. The examiner, however, is urged to contact the undersigned if the examiner intends to act on this case before an interview is scheduled.

Conclusion

Applicants submit that the pending claims patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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DATE

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